

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARKUS ANTONIO BELL,

Plaintiff,

vs.

MICHAEL J. DEEGAN, *et al.*,

Defendants.

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Case No. 1:24-cv-39

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (Doc. 8) issued by Magistrate Judge Chelsey M. Vascura on March 27, 2024. Magistrate Judge Vascura recommends that this Court dismiss this action without prejudice under Fed. R. Civ. P. 41(b). Plaintiff has filed objections. *See* Doc. 11.

A district judge must review *de novo* any objections to a magistrate judge's report and recommendation. Fed. R. Civ. P. 72(b)(3). Review applies only to "any portion to which a proper objection was made." *Richards v. Colvin*, No. 2:12-cv-748, 2013 WL 5487045, at *1 (S.D. Ohio Sept. 30, 2013). If presented with a proper objection, "[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). General or unspecific objections are treated the same as a failure to object. *Slater v. Potter*, 28 F. App'x 512, 513 (6th Cir. 2002) ("The filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object."); *see also Howard v. Sec'y of Health & Hum. Servs.*, 932 F.2d 505, 509 (6th Cir. 1991).

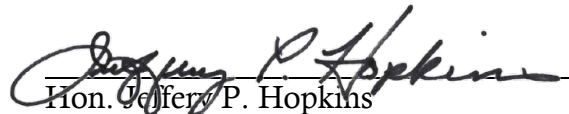
Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and considered *de novo* all filings in this case, with particular attention to the issues as to which Plaintiff lodged specific objections, the Court determines that the Report and Recommendation should be adopted in its entirety. Plaintiff objects to the Report and Recommendation on the basis that he has been prevented from obtaining the appropriate documentation to satisfy the Court's orders due to "masonic blackballish tactics." Doc. 11, PageID 75. It does not appear that way to the Court. The Magistrate Judge has ordered Plaintiff on several occasions to either pay the filing fee or submit the required certified trust fund statement. *See* Doc. 3, 7, 10. He has failed to do either of these things.

Accordingly, this case is **DISMISSED** without prejudice under Fed. R. Civ. P 41(b) and without assessment of the filing fee. Plaintiff is hereby **ORDERED** to list 1:24-cv-39 as a related case if he elects to re-file this action.

For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: February 19, 2025


Hon. Jeffrey P. Hopkins
United States District Judge